

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
DENISE PALMER,

Plaintiff, **ANSWER**

-against-

07 Civ. 6955 (NRB)

THE CITY OF NEW YORK, THE NEW YORK CITY  
DEPARTMENT OF EDUCATION, and RONNA  
BLEADON,

Defendants.  
----- x

Defendants the City of New York and the New York City Department of Education (“City defendants”) by their attorney, Michael A. Cardozo, answer the complaint as follows:

1. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “1” of the complaint.
2. Deny the allegations set forth in paragraph “2” of the complaint except admit that defendant City of New York is a municipal corporation lawfully organized and existing under the laws of the state of New York.
3. Deny the allegations set forth in paragraph “3” of the complaint.
4. Deny the allegations set forth in paragraph “4” of the complaint except admit that plaintiff purports to invoke the jurisdiction of this Court as set forth therein.
5. Deny the allegations set forth in paragraph “5” of the complaint and respectfully refer the Court to the statute cited therein for a complete and accurate statement of its contents.

6. Deny the allegations set forth in paragraph “6” of the complaint except deny knowledge of information sufficient to form a belief as to so much of said paragraph which alleges plaintiff’s race, except admit that plaintiff was employed by the New York City Department of Education (“DOE”) as a school aide on August 12, 2004 and was assigned to the Louis and Clark School, at 2555 Tratman Avenue, Bronx, New York.

7. Deny the allegations set forth in paragraph “7” of the complaint except admit that on August 12, 2004 defendant Ronna Bleadon, a Caucasian Female, was employed as a Principal by the New York City Department of Education at the Louis and Clark School.

8. Deny the allegations set forth in paragraph “8” of the complaint except deny knowledge or information sufficient to form a belief as to what the unserved defendant Bleadon did.

9. Deny the allegations set forth in paragraph “9” of the complaint.

10. Deny the allegations set forth in paragraph “10” of the complaint.

11. Deny the allegations set forth in paragraph “11” of the complaint.

12. Deny the allegations set forth in paragraph “12” of the complaint.

13. Deny the allegations set forth in paragraph “13” of the complaint.

14. Deny the allegations set forth in paragraph “14” of the complaint.

**AS AND FOR A FIRST DEFENSE**

15. The complaint fails to state a claim upon which relief may be granted.

**AS AND FOR A SECOND DEFENSE**

16. City defendants have not violated any rights, privileges or immunities secured to plaintiff under the Constitution and laws of the United States as well as the Constitution and laws of the State of New York, or of the City of New York nor have they violated any act of Congress providing for the protections of civil rights.

6. Deny the allegations set forth in paragraph “6” of the complaint except deny knowledge of information sufficient to form a belief as to so much of said paragraph which alleges plaintiff’s race, except admit that plaintiff was employed by the New York City Department of Education (“DOE”) as a school aide on August 12, 2004 and was assigned to the Louis and Clark School, at 2555 Tratman Avenue, Bronx, New York.

7. Deny the allegations set forth in paragraph “7” of the complaint except admit that on August 12, 2004 defendant Ronna Bleadon, a Caucasian Female, was employed as a Principal by the New York City Department of Education at the Louis and Clark School.

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**AS AND FOR A FIRST DEFENSE**

15. The complaint fails to state a claim upon which relief may be granted.

**AS AND FOR A SECOND DEFENSE**

16. City defendants have not violated any rights, privileges or immunities secured to plaintiff under the Constitution and laws of the United States as well as the Constitution and laws of the State of New York, or of the City of New York nor have they violated any act of Congress providing for the protections of civil rights.

**AS AND FOR A THIRD DEFENSE**

17. All of City defendants' employment decisions and actions concerning the plaintiff were based on legitimate, non discriminatory business considerations.

**AS AND FOR A FOURTH DEFENSE**

18. The conduct of the City defendants was at all times lawful, proper and carried out in conformity with the Constitution and laws of the United States as well as the Constitution and laws of the State of New York and all applicable rules and regulations of the City of New York.

**AS AND FOR A FIFTH DEFENSE**

19. City Defendants have not and did not engage in a policy and practice or custom in discriminating or retaliating against plaintiff or anyone else based on race.

**AS AND FOR A SIXTH DEFENSE**

20. The Complaint's request for punitive damages is barred, in whole or in part, because punitive damages are not available against a government or a governmental subdivision.

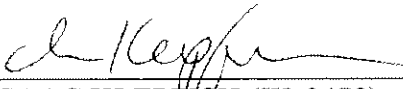
**AS AND FOR A SEVENTH DEFENSE**

21. The injuries, if any, alleged to be sustained by plaintiff on the occasions mentioned in the Complaint, were wholly, or in part, caused by the culpable conduct of plaintiff.

**WHEREFORE,** City defendants respectfully request judgment dismissing the complaint together with such other relief as the Court deems just and proper.

Dated: New York, New York  
December 21, 2007

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**ANSWER OF THE CITY OF NEW YORK  
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OF EDUCATION**

**MICHAEL A. CARDOZO**

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*Of Counsel: Isaac Klepfish  
Tel: (212) 788-0897  
NYCLIS No.*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 200.....*

*..... Esq.*

*Attorney for .....*